



Southern Reporting, Inc.

Transcript of the
Deposition of

Deputy M. Sharpe

8/16/2011

Summers vs. City of Charleston, et al.
2:10 CV-03291

COPY

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UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

) CIVIL ACTION NO. 2:10 CV-03291
)
RICHARD G. SUMMERS,)
)
PLAINTIFF,)
) VIDEO DEPOSITION
VS.)
) OF
CITY OF CHARLESTON, CITY OF)
CHARLESTON POLICE DEPARTMENT,) DEPUTY M. SHARPE
COUNTY OF CHARLESTON,)
CHARLESTON COUNTY SHERIFF'S)
DEPARTMENT, DEPUTY WILLIAM)
HANNA, OFFICER B. RIGGS,)
DEPUTY M. SHARP, DEPUTY H.E.)
BOHLANDER, JOHN DOE AND JANE)
DOE,)
)
DEFENDANTS.)

THE VIDEO DEPOSITION OF DEPUTY M. SHARPE WAS
TAKEN BEFORE SUESAN L. RICHARDSON, A NOTARY PUBLIC IN AND
FOR THE STATE OF SOUTH CAROLINA, COMMENCING AT THE HOUR OF
1:32 P.M., TUESDAY, AUGUST 16, 2011, AT THE OFFICE OF SENN,
MCDONALD & LEINBACH, 3 WESLEY DRIVE, CHARLESTON, SOUTH
CAROLINA.

REPORTED BY

SUESAN L. RICHARDSON

1 -- in the back of -- in the back of her car. It's a
2 caged unit and he's out there banging his head on the
3 back of her back window.

4 Q Have you ever had that situation arise before?

5 A Not to that degree. I've had people get, you know, try
6 to kick out the windows, but --

7 Q Is there a procedure that -- that you're taught about
8 how to deal with that situation?

9 A Usually, try to secure them to keep them to keep them
10 from harming themselves or trying to, you know, break
11 out.

12 Q So how do you secure them?

13 A On this case, we were going to seat, you know, put him
14 back -- put him in a seatbelt. We were on the -- I
15 think she was parked on the road, so we moved off the
16 roadway, and we were going to secure him in a seatbelt
17 to keep him from getting up.

18 Q Is there some flexibility in a seatbelt or would that -
19 - I mean, would that keep him from hitting his head on
20 something?

21 A If you lock the seatbelt, it's -- it's possible to lock
22 the -- the strap.

23 Q Is there any other way that you're taught to restrain
24 someone in that situation?

25 A Not that I can recall right now. Just without going --

1 -- have a safe area to go. We went to the back of the
2 Nectar -- is the Nectar or whatever the restaurant is
3 next door to the Burger King and she goes to the
4 driver's side, the back door on the driver's side, and
5 I went through the passenger side. I was going to hand
6 her the seatbelt, to her. By that time, he's pushing
7 his way out and I'm trying to push him back in and
8 she's grabbing onto him. But with his being bloody,
9 slippery, sweaty, it was -- we couldn't hold onto him
10 and he was able to push his way through -- through out
11 the door. He had his, you know, he was positioned
12 where -- where he pretty much pushed me out of the way,
13 not -- you know, just was able to get by me.

14 Q He came through your side?

15 A Right.

16 Q The passenger side?

17 A Right. Yes, sir.

18 Q Did you have some trepidation about putting your hands
19 on him?

20 A I didn't have a problem. Is -- is that what you're
21 asking; was it a problem doing it?

22 Q Sure.

23 A No, sir. I tried pushing him in, was trying to hold
24 on, but there was -- there was nothing to hold on to.
25 He was slippery. You know, he had a slippery body

1 placed him in the car and at the same time they got
2 this call to assist the city, and everybody went to
3 that call.

4 Q And was it your intention to go to that call?

5 A No. Because we were there -- we were with him and
6 everything just happened, you know, matter of, I would
7 say seconds. Without reviewing any tapes, but it was
8 just, we were there. Our, you know, we were there, we
9 had him in the back of the car, waiting to, you know,
10 find out what was going on. Because we were -- we were
11 both off duty and we just responded.

12 Q How many probes did you see EMS remove from Mr. Summers
13 before this incident in Deputy Stern's car?

14 A You had said if -- if they did it, like I say, I
15 believe she removed two, but that's all -- I mean
16 that's all that I could recall.

17 Q Okay. So he gets past you. What happens next?

18 A He comes out and he's standing on the back of the
19 vehicle, on the quarter panel, the rear. And I'm
20 telling him to get back in the vehicle. He needs to
21 get back in.

22 Q Now, are you saying he's standing on the quarter panel
23 of the vehicle?

24 A He's in front of it. He's in front of the car, the
25 rear of the car.

1 Q Where are his feet?

2 A His feet?

3 Q Yeah.

4 A They're on the ground; he's standing.

5 Q Okay. So he's standing?

6 A Right.

7 Q All right, what happens next?

8 A We're -- I'm ordering him in back of the vehicle, I had
9 my taser out. I had instructed him, he needs to get
10 back. And at that time, he moved forward and started a
11 full out sprint with the ankle iron -- the leg irons
12 on, and when he made that first jump towards me, I
13 tased him. I deployed my taser.

14 Q Well, I thought you said he was standing at the quarter
15 panel of the vehicle?

16 A The back of the vehicle. He got out of the -- the
17 driver's side or the passenger side, the rear -- rear
18 seat.

19 Q Okay.

20 A And he's up at this time and then back towards the
21 vehicle -- back towards the -- the side of the car, the
22 back side of the car.

23 Q The right rear side of the car?

24 A Right rear.

25 Q Okay. Which direction is he facing?

1 A He is facing towards Folly Road.

2 Q Towards Folly Road. Would that be to your left?

3 A That's directly behind me.

4 Q Folly Road's behind you?

5 A Right.

6 Q So he's facing you?

7 A He's facing me.

8 Q Okay. And then he does what?

9 A He's not complying. We tell him to get back in the
10 car. We've already tried keeping him in the car, but
11 that was, you know, that didn't work. Then he moved
12 forward into a run and when he came towards me, I
13 deployed my taser. And I had no --

14 Q Where'd you hit him?

15 A In the chest -- in the stomach and the chest.

16 Q What happened?

17 A Nothing, he kept on running.

18 Q Okay.

19 A And -- and, so there's no affect, then I deployed it --
20 I pulled the trigger again and he still --

21 Q When you pulled the trigger again --

22 A Or the --

23 Q -- did you strike him the second time?

24 A No, it was still -- it was still in him, the -- the
25 probes.

1 Q The probes were still in him.

2 A It does its five second, yeah.

3 Q Okay.

4 A And then you can --

5 Q So you zapped him again?

6 A -- get another burst. Do another burst of -- with the
7 taser.

8 Q When you hit that second burst, what's his position in
9 -- in -- relative to you?

10 A He's in front of me. He's in front of me now, running
11 away from me.

12 Q He's running away from you?

13 A Right.

14 Q How long is this taser chord or whatever?

15 A I believe that's 21 feet.

16 Q Twenty-one feet.

17 A And it has no -- there's no affect on him.

18 Q So --

19 A Now, if I -- he -- like I say, he's running, and I mean
20 nothing's happening, but he's in a -- he's in a good
21 run. I mean he's running. That's probably the first
22 time I've seen that.

23 Q So what happens?

24 A I believe he -- I don't know at what point, but he
25 falls, we -- we tell him to stay down and he gets back

1 - you deployed the taser into his chest. And he ran
2 approximately 20 yards while the taser was activated
3 before falling to the ground. You ordered him to stay
4 on the ground and again got to his feet and started
5 running towards Folly Road so you hit the taser again.

6 A Yes, sir.

7 Q Same result as the first time, no effect?

8 A Yes, sir.

9 Q And then Stern hits Mr. Summers two more times in the
10 back and the neck; is that right?

11 A Well, she deployed her taser --

12 Q Yeah.

13 A -- striking him in the back? No.

14 Q Striking him in the back and the neck.

15 A Yeah, that's where the -- we have no control over the
16 way the probes strike. But you hit a area, they're
17 going -- the bottom one usually drops at a angle, so
18 it's -- I mean --

19 Q Are you supposed to hit him in the neck with a taser?

20 A At this -- you're not supposed to -- no. But when
21 you're in a situation like that, you have no control
22 over it and it was -- it's not an intentional
23 deployment to, you know, to strike him in the neck or
24 strike anyone in a certain area.

25 Q So I understand how this taser thing works. Once the

1 up. And I think at that time, that's when Bohlander
2 comes in. But I'm not a hundred percent sure on that.
3 And then my taser is not -- it's not doing anything and
4 then Deputy Stern comes up behind him and tases him in
5 the back with the -- as he's running away from us. And
6 that puts him on the ground.

7 Q Did Stern ever give you the -- a command to tase him?

8 A Who's that?

9 Q Stern?

10 A No.

11 Q Never happened?

12 A I don't understand the question. Ask me again, please.

13 Q Did Stern ever give you the command to tase him?

14 A No. It's --

15 Q Okay. Did Stern ever reference that this man has a
16 closed head injury?

17 A I don't recall.

18 Q Was EMS on the scene when all this was going on?

19 A They came back on scene. Like I said, I -- I don't
20 know when, at what point. My concern was with him and,
21 like, as fast as everyone left, they came back.

22 Q Did you see this man on the ground?

23 A For a brief time, when he didn't -- when he went down
24 and he got back up, and ran again.

25 Q That's the only time?